

**REMARKS**

In the present Application, Claims 1 – 22 have been cancelled without prejudice and new Claims 23 - 43 have been added. As such Claims 23 – 43 are currently pending. Applicants note that these Claim cancellations were made for business reasons in order to further the prosecution of the present Application, while explicitly reserving the right to prosecute the cancelled Claims (or similar Claims) in the future.

Support for the new Claims is found throughout the Specification as originally filed. The following portions of the Specification provide non-limiting examples of support for the claimed subject matter. With regard to Claim 23, support for amplifying nucleic acid from said virus with a pair of primers which hybridize to conserved regions within a housekeeping gene that is conserved among members of a viral family to produce an amplification product, is found, for example, on page 36, lines 19 - 28 wherein a series of viral families is listed, and it is indicated that polymerase and helicase housekeeping genes present in these families have variable and conserved regions. With regard to Claim 23, support for the conserved regions having at least 80% sequence identity flanking a variable region having no greater than 5% sequence identity is found, for example, on page 16, lines 1 - 6. With regard to Claim 23, support for measurement of the molecular mass of the amplification product corresponding to a bioagent identifying amplicon is found, for example, on page 19, lines 5 - 11. With regard to Claim 23, support for comparing the molecular mass of the amplification product with known molecular masses of known bioagent identifying amplicons is found, for example, on page 47, lines 12 - 14. With regard to Claims 24, 31 and 38, support for repeating the amplifying, measuring and comparing steps is found, for example, in Figure 17 and associated description on page 11, lines 16 - 25. With regard to Claims 25, 32 and 39, support for the virus being a biological warfare viral threat agent is found, for example, on page 34, lines 1 - 26 and page 35, lines 23 - 24. With regard to Claims 26, 33 and 40, support for identification at the sub-species level is found, for example, in Figure 21 and in associated description on page 12, lines 6 - 10. With regard to Claims 27, 34 and 41, support for molecular mass or base composition determined by mass spectrometry is

found, for example, on pages 20 - 26. With regard to Claims 28, 35 and 42, support for the pair of primers comprising at least one universal base is found for example, on page 18, lines 12 - 23. With regard to Claims 29, 36 and 43, support for the universal base inosine is found, for example, on page 18, line 16. With regard to Claims 30 and 37, support for determining the base composition of the amplification product is found, for example, on page 25, lines 8 - 13. Hence, the amendments to the Claims do not add new matter.

### **CONCLUSION**

If the Examiner wishes to discuss the present application, Applicants encourage the Examiner to call the undersigned at 608-218-6900 at the Examiner's convenience.

Dated: 12/21/05



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